

Adopted	Rejected
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COMMITTEE REPORT

YES:	4
NO:	3

MR. SPEAKER:

*Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1176, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
 2 "SECTION 1. IC 35-47-2-3, AS AMENDED BY P.L.187-2005,
 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2006]: Sec. 3. (a) A person desiring a license to carry a
 5 handgun shall apply:
 6 (1) to the chief of police or corresponding law enforcement officer
 7 of the municipality in which the applicant resides;
 8 (2) if that municipality has no such officer, or if the applicant does
 9 not reside in a municipality, to the sheriff of the county in which
 10 the applicant resides after the applicant has obtained an
 11 application form prescribed by the superintendent; or
 12 (3) if the applicant is a resident of another state and has a regular
 13 place of business or employment in Indiana, to the sheriff of the
 14 county in which the applicant has a regular place of business or
 15 employment.

1 **The superintendent and local law enforcement agencies shall allow**
2 **an applicant desiring to obtain or renew a license to carry a**
3 **handgun to submit an application electronically under this chapter**
4 **if federal funds are available to establish and maintain an**
5 **electronic application system.**

6 (b) The law enforcement agency which accepts an application for a
7 handgun license shall collect a ten dollar (\$10) application fee, five
8 dollars (\$5) of which shall be refunded if the license is not issued.
9 Except as provided in subsection (h), the fee shall be:

10 (1) deposited into the law enforcement agency's firearms training
11 fund or other appropriate training activities fund; and

12 (2) used by the agency for the purpose of:

13 (A) training law enforcement officers in the proper use of
14 firearms or other law enforcement duties; or

15 (B) purchasing for the law enforcement officers employed by
16 the law enforcement agency firearms, or firearm related
17 equipment, or both.

18 The state board of accounts shall establish rules for the proper
19 accounting and expenditure of funds collected under this subsection.

20 (c) The officer to whom the application is made shall ascertain the
21 applicant's name, full address, length of residence in the community,
22 whether the applicant's residence is located within the limits of any city
23 or town, the applicant's occupation, place of business or employment,
24 criminal record, if any, and convictions (minor traffic offenses
25 excepted), age, race, sex, nationality, date of birth, citizenship, height,
26 weight, build, color of hair, color of eyes, scars and marks, whether the
27 applicant has previously held an Indiana license to carry a handgun and,
28 if so, the serial number of the license and year issued, whether the
29 applicant's license has ever been suspended or revoked, and if so, the
30 year and reason for the suspension or revocation, and the applicant's
31 reason for desiring a license. The officer to whom the application is
32 made shall conduct an investigation into the applicant's official records
33 and verify thereby the applicant's character and reputation, and shall in
34 addition verify for accuracy the information contained in the
35 application, and shall forward this information together with the
36 officer's recommendation for approval or disapproval and one (1) set of
37 legible and classifiable fingerprints of the applicant to the
38 superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

(1) has a proper reason for carrying a handgun;

(2) is of good character and reputation;

(3) is a proper person to be licensed; and

(4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because

the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;

(3) is under eighteen (18) years of age;

(4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name; or

(2) changes the person's address;

the person shall, not later than sixty (60) days after the date of the change, notify the superintendent, in writing, of the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the

1 **superintendent to keep on file one (1) set of classifiable and legible**
 2 **fingerprints from every person who has received a license to carry**
 3 **a handgun so that a person who applies to renew a license will not**
 4 **be required to submit an additional set of fingerprints."**

5 Page 2, delete lines 1 through 40.

6 Page 3, between lines 8 and 9, begin a new paragraph and insert:

7 "SECTION 3. IC 35-47-2.5-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a)** This chapter does
 9 not apply to the following:

10 (1) Transactions between persons who are licensed as firearms
 11 importers or collectors or firearms manufacturers or dealers under
 12 18 U.S.C. 923.

13 (2) Purchases by or sales to a law enforcement officer or agent of
 14 the United States, the state, or a county or local government.

15 (3) Indiana residents licensed to carry handguns under
 16 IC 35-47-2-3.

17 **(b) Notwithstanding any other provision of this chapter, the**
 18 **state shall participate in the NICS if federal funds are available to**
 19 **assist the state in participating in the NICS. If:**

20 **(1) the state participates in the NICS; and**

21 **(2) there is a conflict between:**

22 **(A) a provision of this chapter; and**

23 **(B) a procedure required under the NICS;**

24 **the procedure required under the NICS prevails over the**
 25 **conflicting provision of this chapter.**

26 SECTION 4. IC 35-47-2.5-2.5 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2006]: Sec. 2.5. **As used in this chapter,**
 29 **"NICS" refers to the National Instant Criminal Background Check**
 30 **System maintained by the Federal Bureau of Investigation in**
 31 **accordance with the federal Brady Handgun Violence Prevention**
 32 **Act (18 U.S.C. 921 et seq.)."**

33 Page 3, line 28, delete "As used in this".

34 Page 3, delete lines 29 through 32.

35 Page 3, line 33, delete "(b)".

36 Page 3, run in lines 28 and 33.

37 Page 4, line 11, delete "(c)" and insert "**(b)**".

38 Renumber all SECTIONS consecutively.

(Reference is to HB 1176 as introduced.)

and when so amended that said bill do pass.

Representative Ruppel